

Andrew Mold

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Practice Overview

Andrew has a broad practice covering general commercial and traditional chancery work. Within these fields, he has particularly strong interests in trusts (both offshore and onshore), pensions, commercial contracts, fraud and breach of fiduciary duties, professional liability, company and partnership disputes as well as property-related work.

He enjoys both the advisory and advocacy sides of his practice and is experienced in mediation and arbitration. In recent times, Andrew has gained significant experience of working on so-called 'big money' divorce cases involving the treatment of trust assets.

Many of Andrew's cases involve an international element and he has been admitted to the Bar of the Cayman Islands where he has appeared as an advocate.

In the past couple of years, Andrew has been engaged on matters concerning proceedings in Jersey, the Isle of Man, Cyprus, Switzerland, Singapore, Bermuda, St Kitts & Nevis, the British Virgin Islands, several states of the USA and the Cayman Islands.

Professional Reputation

Andrew recently featured in *Legalweek's "Stars at the Bar"* as a "highly-commended up-and-coming barrister". He was described as "second to none in work ethos and how he deals with clients".

Andrew is recommended by *Chambers & Partners* as a leading barrister in the fields of both traditional chancery and pensions work.

He is described as a "star in the making", "a first-class junior, who produces superb work" and as "an extremely hard-working barrister who thinks beyond the questions put to him by instructing solicitors".

Qualifications

- First Class honours degree in law, St John's College, Cambridge
- Clifford Chance David Gottlieb prize for obtaining the highest law examination mark in the year at the University of Cambridge
- Jacovides prize for international law
- College and university awards for gaining a first in each year of undergraduate degree
- LLM from Harvard Law School
- Hardwicke and Mansfield Scholarships from Lincoln's Inn

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- Registered Advocate before DIFC Courts (Dubai International Financial Centre Courts).

Memberships

- Chancery Bar Association
- COMBAR
- Association of Pension Lawyers
- Bar Pro Bono Panel
- Commercial Fraud Lawyers Association

Publications

- Author of the Negligence Section of *Cordery on Solicitors*
- Frequent author of articles on a variety of legal subjects
- Speaker at law firm in-house training and legal conferences
- Contributor to Wilberforce organised seminars on hedge funds and professional liability
- Vilification of offshore 'tax havens' smacks of hypocrisy (*Legal Week*, 2009)

Authors: [Edward Sawyer](#) and Andrew Mold

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Commercial CV

Andrew has extensive commercial litigation experience especially of interlocutory applications in the High Court. Notable matters that Andrew has worked on include the following:

- *Harley Street Capital v Tchigirinski and others*. High Court litigation centring around an Anglo-Russian energy company involving claims of fraud, the rights of minority shareholders, derivative proceedings, service out, freezing injunctions and breach of fiduciary duties.
- *Sagikor (Cayman) Ltd v Hurlstone and others*. Proceedings before the Grand Court of the Cayman Islands in which claims of insurance fraud arising out of Hurricane Ivan were successfully defended. Further proceedings for an account of damages suffered as a result of a freezing injunction which had been in place for three years and for abuse of process followed the main action.
- *Reeves v Sprecher*. Acting for one partner in a dispute over the ownership of a successful hedge fund business. Parallel proceedings were launched in England and St Kitts & Nevis involving allegations of breach of fiduciary duty, fraudulent misrepresentation and the unfair redemption of shares.
- Two large-scale commercial arbitrations involving claims under an indemnity for pension mis-selling liabilities given in a sale and purchase agreement for an insurance company.
- Confidential proceedings in the Queen's Bench Division to obtain an urgent injunction preventing a licensor from repudiating a worldwide licence agreement for the manufacture of clothing. Simultaneous proceedings were ongoing in Delaware and Illinois.

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Company CV

Company & partnerships

Andrew has worked on several high profile disputes involving company, partnership and related issues. He is particularly at home with shareholder disputes, unfair prejudice claims, claims for breach of director's duties and claims under share sale agreements. Notable matters that Andrew has worked on include the following:

- *Hammonds v Danilunas and others*. Acting for a former partner in a dispute with the law firm Hammonds over the repayment of alleged over-drawings on account of partnership profits which did not materialise.
- *Harley Street Capital v Tchigirinski and others*. High Court litigation centring around an Anglo-Russian energy company involving claims of fraud, the rights of minority shareholders, derivative proceedings, service out, freezing injunction, breach of fiduciary duties.
- *Reeves v Sprecher*. Acting for one partner in respect of a dispute over the ownership of a successful hedge fund business involving parallel proceedings in England and St Kitts & Nevis. This case involved novel issues of company and partnership law.
- *Sainsbury v Yong*. Claim by a shareholder for unfairly prejudicial conduct against his co-shareholder in an executive recruitment business.
- Acting for a firm of patent attorneys against a former partner who had retired on alleged grounds of ill health and then set up in competition with the firm.
- Acting in a dispute arising out of a joint venture for the redevelopment of a leisure and time share complex in the south of England. This case involved quasi-partnership and company law issues.

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Financial Services CV

Andrew has experience in the financial services sector, particularly relating to unsuitable investment advice. Notable matters that Andrew has worked on include the following:

- *Demco Investment and Commercial SA v S-E Banken Forsakring Holding Aktiebolag*. Large scale arbitration under the Stockholm Chamber of Commerce relating to pensions mis-selling, the conduct of the Pensions Review and indemnities under a sale and purchase agreement.
- Advising a group of investors seeking a class action lawsuit to recover losses from various financial advisers arising out of investments in split capital investment trusts.
- Advising on claims against professional pension trustees for unauthorised investments.
- Advising on the appropriate drafting of an IPO prospectus which required the disclosure of various interests under settlements.

Hedge/Mutual Funds

Andrew's broad commercial and chancery background particularly in the fields of company, trusts, financial services and pensions law puts him in a good position to deal with hedge funds and other collective investment vehicles. Recent matters that Andrew has worked on include the following:

- *Reeves v Sprecher*. Acting for one partner in respect of a dispute over the ownership of a successful hedge fund business involving parallel proceedings in England and St Kitts & Nevis.
- Advising an investor on litigation-based options for obtaining books and records from a hedge fund manager.
- Advising on the power of redemption and conditions for its exercise in a fund of funds.

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Pensions CV

Andrew has extensive experience in pensions law covering all size of matters, proceedings before the Pensions Ombudsman, the Pensions Regulator and in the High Court. He regularly acts for trustees, members, sponsoring companies, professional advisors and the regulatory bodies. Notable matters that Andrew has worked on include the following:

- *The PNPf Trust Company Ltd (as Trustee of the Pilots' National Pension Fund) v Taylor and others*. Acting for the Port of London Authority in proceedings brought by the trustee to determine several questions relating to the powers of amendment under the scheme, the trigger and calculation of section 75 debts, what bodies constitute an 'employer' under section 75 and the scheme specific funding regime.
- Acting in High Court proceedings to determine whether an 'employment cessation event' had occurred for the purposes of section 75.
- *Cemex UK Marine Ltd v MNOF Trustees Ltd* [2009] EWHC 3258 (Ch). Decision of Peter Smith J determining what constituted an 'employment cessation event' for the purposes of section 75.
- Acting in prohibition proceedings before the Determinations Panel of the Pensions Regulator as a result of an alleged fraud by professional trustees in transferring pension scheme funds to a number of offshore vehicles.
- Acting in proceedings before the Determinations Panel of the Pensions Regulator for a financial support direction against a private equity purchaser of a well-known UK retail chain after a deficit in its occupational pension scheme was revealed.
- Advising a FTSE 100 company on how to restructure the funding of a deficit in its occupational pension scheme.
- Advising the sponsoring employer of a very large occupational pension scheme based in Bermuda.
- Litigation involving professional negligence claims against the administrators of an occupational pension scheme in respect of the failure to introduce limited price indexation properly.
- Acting in two large-scale arbitrations relating to the mis-selling of personal pensions and the Pensions Review.

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- Advising in many cases before the Pensions Ombudsman and appeals from his determinations.

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Professional Liability CV

Andrew's professional liability experience includes:

- Defending an accountancy firm facing a £30m claim for alleged breaches of duty in relation to an invoice discounting facility.
- Acting for a tenant against its former solicitors for failing to give proper advice about its ability to serve a valid termination notice under an agreement for lease.
- Advising in relation to a massive property-related professional negligence claim arising out of the faulty construction of a multi-storey car park for a shopping centre.
- Acting for a Cayman Islands building firm against allegations of professional negligence in respect of hurricane-related remedial work.
- Litigation involving professional negligence claims against the administrators of an occupational pension scheme in respect of the failure to introduce limited price indexation properly.

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Property CV

Andrew regularly appears in court and advises in property related cases. Notable matters that Andrew has worked on include the following:

- *Ross River Ltd v Cambridge City Football Club Ltd*. Claim for the rescission of the sale of a football ground and an overage agreement on the grounds of bribery and fraudulent misrepresentation.
- *Re Brixton Prison*. Successful application for an order under the Access to Neighbouring Land Act 1992 so that extensive work could be carried out to HMP Brixton.
- Acting for the claimant in a three-day trial of a neighbour dispute over the existence of a right of way.
- Acting in a commercial property arbitration concerning the validity of a notice of termination under a long-term commercial lease.
- Appearing successfully for an appellant to the Lands Tribunal against a decision of a Leasehold Valuation Tribunal in respect of the reasonableness of a service charge.
- Acting in a dispute arising out of a joint venture for the redevelopment of a leisure and time share complex in the south of England.

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Private Client

Trusts & private client

Andrew has significant experience of trust-related matters (both offshore and onshore). The majority of his work is contentious but he also regularly advises in non-contentious matters.

Over recent years, he has applied his knowledge of trust law and fiduciary obligations to differing contexts, in particular divorce proceedings, commercial disputes and corporate transactions. Notable matters that Andrew has worked on include the following:

- *Charman v Charman*. Court of Appeal decision involving the largest-ever contested divorce award in England and Wales which considered the extent to which the assets of an offshore discretionary trust should be taken into account for ancillary relief purposes.
- *Rybolovleva v Rybolovlev*. Acting for a husband in satellite litigation arising out of divorce proceedings in Geneva and involving trust and related issues.
- Advising in respect of several other confidential divorce cases which involve trusts, conflicts of law, enforcement issues and interim relief.
- *Al-Bassam v Al-Bassam*. Long running dispute involving issues of probate, succession, domicile, conflict of laws and forgery of a will and marriage certificate.
- Advising in respect of an ongoing investigation by the SEC, IRS and New York District Attorney into a series of settlements administered in the Isle of Man.
- Advising on the appropriate drafting of an IPO prospectus which required the disclosure of various interests under settlements.
- Acting and advising in respect of cases under the Inheritance (Provision for Family and Dependents) Act 1975.
- Placement in a Jersey law firm dealing predominantly with trust-based litigation.

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